

### **III. REMARKS/ARGUMENTS**

#### **A. Status of the Application**

Claims 21-23, 25-27, 29-33 and 38-42 are pending. Claims 21-23, 25, 27 and 29-33 are amended. Claims 1-20, 24, 28 and 34-37 are cancelled. Claims 38-42 are added. Reconsideration of this application in light of the following remarks is respectfully requested.

#### **B. Rejection of Claims 21-33 under 35 U.S.C. § 112, first paragraph**

Claims 21-33 stand rejected under 35 U.S.C. § 112, first paragraph. As noted above, claims 24 and 28 have been cancelled. Insofar as it may be applied against the present claims, this rejection is respectfully traversed.

Claim 21, as amended, is in full compliance with 35 U.S.C. § 112, first paragraph and is described in paragraphs [0035], [0054] and [0055] of the specification of the present application.

Claim 33, as amended, is in full compliance with 35 U.S.C. § 112, first paragraph and is described in paragraphs [0036], [0056], [0057], [0058] and [0059] of the specification of the present application.

For the foregoing reasons, it is respectfully requested that the rejection of claims 21-23, 25-27 and 29-33 under 35 U.S.C. § 112, first paragraph, be withdrawn.

#### **C. Allowable Subject Matter**

Applicants acknowledge and appreciate the indication that claims 29-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph and to include all of the limitations of the base claim and any intervening claims.

As noted above, claim 29 has been amended to be in independent form and to include all of the subject matter of the base claim, namely original claim 21. It is noted that the Office Action mailed October 8, 2004 regarding the above-captioned application indicated that claims 29-32 would be allowable if rewritten to include all of the limitations of original claim 21.

The current Office Action states that claim 29 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph. Since none of the claims of the present application were rejected under 35 U.S.C. 112, second paragraph, this statement will

be treated as if it stated that claim 29 would be allowable if rewritten to overcome the rejection of claim 21 under 35 U.S.C. § 112, first paragraph. In this regard and without commenting on the propriety of the rejection of claim 21 under 35 U.S.C. § 112, first paragraph, Applicants note that amended claim 29 does not include the language that resulted in the rejection of claim 21 under 35 U.S.C. § 112, first paragraph.

For the foregoing reasons, it is respectfully requested that the objection to claim 29 be withdrawn.

D. New Claims 38-42

New claims 38-42 are consistent with the elected invention, in that claims 38-42 are directed to a method of co-depositing particles. In addition, new claims 38-42 are in full compliance with 35 U.S.C. § 112 and are described in paragraphs [0035], [0054], [0055] and [0058] of the specification of the present application.

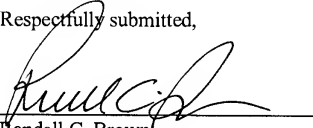
For the foregoing reasons, allowance of claims 38-42 is respectfully requested.

**Conclusion**

Claims 21-23, 25-27, 29-33 and 38-42 are now pending in the present application. In view of the foregoing remarks, allowance of claims 21-23, 25-27, 29-33 and 38-42 is respectfully requested. The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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